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October 25, 1996

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William F. Caton, Acting Secretary  
Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY  
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RE: In the matter of Implementation of section 255 of the Telecommunications Act of 1996 " Access to Telecommunications Equipment, and Customer Premises Equipment by Persons with Disabilities" (WT) docket No. 96-198)

Dear Mr. Caton:

The American Speech Language and Hearing Association (ASHA), is pleased to offer these comments on the Federal Communications Commission (FCC) Notice of Inquiry on Implementation of Section 255 of the Telecommunications Act of 1996 (WT Docket No. 96-198) "Access to Telecommunications Services, Telecommunications Equipment, and Customer Premises Equipment by Persons with Disabilities." ASHA is the national professional organization representing over 85,000 audiologists, speech-language pathologists, and hearing, speech and language scientists that assess and treat hearing, balance, speech, language, voice, swallowing and related disorders.

#### Introduction:

ASHA appreciates the opportunity to comment on the Telecommunications Act of 1996, Section 255 that provides for telecommunications access to Americans with disabilities. Members of ASHA have an interest in this issue both as manufacturers and distributors of telecommunications access tools and as professional advocates for individuals with disabilities.

ASHA serves as a member of the Telecommunications Access Advisory Committee (TAAC) of the Access Board and therefore supports the objectives of this Notice of Inquiry (NOI) to develop a record to assist the Board in writing accessibility guidelines. ASHA recommends supports continued ongoing cooperation between the FCC and Access Board in addressing the complex issues surrounding telecommunications access for individuals with communication disabilities.

#### Recommendations:

ASHA recommends the Access Board be informed of the results of the NOI and commentary in a timely manner. The FCC should review the Access boards guidelines and seek public comment prior to formal rulemaking. The rapid pace of technology demands a cohesive effort between federal agencies. Manufacturers, distributors and users of telecommunications access equipment require a cohesive set of FCC regulations based upon a minimum standard as set forth by the Access Board.

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ASHA recognizes the general authority of the FCC to select among various approaches to enforcing Section 255 and suggests promulgating rules pursuant to existing provisions in the Communications Act. A rules based policy of enforcement would serve to clear up ambiguities for the manufacturers as to the exact legal expectations and define the various legal roles of the manufacturers, distributors, and users of telecommunications equipment in relation to Section 255. These rules should be written to aid covered entities in providing equipment and services by delineating "what the law requires," "when must these aspects be fulfilled," and "how must it be documented." Rules based systems also provide for clear delineation of enforcement responsibilities for all involved parties.

By contrast, a guidelines only system without the strength of rules discusses one way to address telecommunications access issues, however guidelines do not address what the law requires of the parties involved. Guidelines also by nature do not provide for clear delineation of the enforcement responsibilities and specific consequences for not following the law. ASHA would also not support a case-by-case system of enforcement as such systems make for "bad law" by creating inconsistent application of the requirements of the law. The FCC needs to propose a system which demonstrates a commitment to the individuals seeking justice. Again, a clearly defined rules based system would give clear legal definition of responsibility for all covered entities up front. Manufacturers would be able to design equipment from the start to comply with the rules and therefore avoid the expense of redesigning and retrofitting equipment based upon later case-by-case rulings.

ASHA recommends the definition of telecommunication services at Section 255(a)(c) be consistent with the term telecommunication service at Section 3 Definition (51) Telecommunication Service.

ASHA recommends the concept of "readily achievable" in clear within the Act and that the implementation of the law be placed on universal design and useability of telecommunication services by all persons with disabilities.

ASHA strongly requests the FCC use speech disability in the definition of a disability as this group represents persons with disabilities who impediments in the use of telecommunication equipment and services.

ASHA looks forward to commenting on the next phase of the NOI to assist the FCC in developing the regulatory requirements of the Act. If you have any questions regarding this submission please feel free to contact Amie Amiot at 301 8970104 or Holly Kaplan at 301 8975700 ext. 112.

Sincerely,



Amie Amiot  
Division of Federal Education  
and Regulatory Policy